

**COLORADO STATE BOARD OF PHARMACY**  
**July 21, 2011**

**Minutes**

The Colorado State Board of Pharmacy meeting was convened by President Jeannine Dickerhofe, R.Ph., at approximately 8:35 a.m. on Thursday, July 21, 2011 at 1560 Broadway, Conference Room 110 D, Denver, CO 80202. Notice of this meeting was given in accordance with Division of Registrations Policy Number 80-17.

Board members attending were: Mary K. Arceneaux, R.Ph.; Jeannine Dickerhofe, R.Ph.; E. Katherine Edelblut, R.Ph.; Paul Limberis, R.Ph.; Luis A. Rivera-Lleras, R.Ph.; and Averil Strand, R.N.

Staff members attending were: Chris Gassen, R.Ph., Chief Inspector; Susan Martin, R.Ph., Inspector; Mark O'Neill, R.Ph., Inspector; Lisa Cornett, R.Ph., Inspector; and Linda Acosta, Complaint and Licensing Specialist. Also present was Jo Kaye, Assistant Attorney General, to advise the Board.

**APPROVAL OF MINUTES**

The Board approved the minutes from the May 19, 2011 and June 10, 2011 meetings.

**REPORTS**

**President's Remarks**

None.

**Program Director's Report**

Mr. Gassen presented to the Board proposed language to Board Rule 23.00.60 to reflect a new statutory requirement of pharmacies to disclose to patients receiving controlled substance prescriptions that their prescription information is being submitted to the Prescription Drug Monitoring Program. After due consideration, the Board voted unanimously to move the proposed language to a future public rules hearing.

Mr. Gassen presented to the Board proposed language to a new policy (Board Policy 40-8) regarding how hospital settings may handle prescriptions brought in by patients from home. After due consideration, the Board voted unanimously to table further consideration of this proposed policy for consideration at a future meeting pending additional amendments to the policy as directed by the Board.

Mr. Gassen presented to the Board proposed amendments to Board Policy 20-1 regarding the reinstatement of expired licenses for pharmacists and pharmacy interns to also include expired registrations for businesses. After due consideration, the Board voted unanimously to adopt the proposed amendments to Board Policy 20-1.

Mr. Gassen presented to the Board a report, written by Program Director Wendy Anderson, detailing a summary of the 2011 National Association of Boards of Pharmacy (NABP) Annual Meeting held in San Antonio, TX in May 2011. The Board noted the information.

**Colorado Pharmacists Society (CPS) – Paul Limberis, RPh**

The CPS Annual Summer Meeting was held on June 9-11, 2011, in Estes Park, Colorado, where continuing education was offered.

- Programs provided included information regarding emergency contraception, pharmacotherapies used in cardiovascular disease, diabetes, pain management, over the counter drugs, addiction, Medicare Part D, and updates on state and national pharmacy legislation.
- The business session included the announcement of the successful candidates for the CPS Board of Directors. These include - Jodie Malhotra, President-Elect; Tara Vlasimsky, representing health-system pharmacy, non-management; Jerry Young, consultant pharmacy, Steve Bohn, managed care pharmacy, management; Gregg Pederson, independent pharmacy, management; Mercedes Dombi and Michael Woodley, At Large.
- Dr. Laura Borgelt was installed as the 2011-2012 CPS President at the Awards and Installation Banquet. Tara Vlasimsky was recognized as the recipient of the Distinguished Young Pharmacist of the Year. Randy Knutsen was recognized for his service as the 2010-2011 CPS President, and the incoming President Dr. Borgelt was awarded the National Community Pharmacists Association (NCPA) Leadership Award and McKesson Leadership Award.

The American Society of Health-System Pharmacists Annual Summer Meeting was held on June 12-15, 2011, at the Colorado Convention Center in downtown Denver, and it provided an excellent opportunity for continuing education and networking.

Planning has begun for the 2011 CPS Annual Fall Meeting which will be held on October 13-15, 2011 at the Doubletree Denver Technological Center.

Planning has also begun for the CPS Winter CE Seminar to be held on January 8-11, 2012. Details will be available on the CPS website.

**Governor's Expert Emergency Epidemic Response Committee (GEEERC) – Paul Limberis, RPh**

No report was provided at this meeting. The next meeting of the GEEERC is scheduled for Thursday, August 11, 2011.

**Intern & School Relations – Jeannine Dickerhofe, RPh**

Dr. Marianne McCollum, Interim Dean of the Regis University School of Pharmacy, reported that 75 students will enroll for the Class of 2015. Dr. McCollum also reported that ten additional faculty members were recently added to the school. Additionally, Dr. McCollum reported that the school is in the process of generating an advanced pharmacy practice experiential training program.

No report was provided by the University of Colorado Denver School of Pharmacy at this meeting.

**Legislation - Jeannine Dickerhofe, RPh**

The Colorado Pharmacy Coalition (CPC) will begin meeting again to address a number of topics that will be considered in the 2011 Pharmacy Sunset Review.

**Inspectors**

**Expanded Indications for Vaccines, Centers for Disease Control and Prevention (CDC) Guidelines & Board Rule 19.01.10(b)**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request made to amend Board Rule 19.01.10(b) and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously not to amend Board Rule 19.01.10(b) at this time. However, it did vote unanimously to allow pharmacists to administer Zostavax to patients over the age of 50, as approved by the Federal Food and Drug Administration, pursuant to a valid, patient-specific prescription order.

**Comprehensive Cancer Center Pharmacy, PDO 780**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding self-reported security issue at Comprehensive Cancer Center Pharmacy and noted the information.

**Anonymous Complaint**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an anonymous complaint against Huan Pharmacy (PDO 404) and, after due consideration of the available information, voted unanimously to not take action.

**Mercy Regional Medical Center, PDO 655**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mercy Regional Medical Center and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to initiate complaints against the prescription drug outlet registration of Mercy Regional Medical Center (PDO 655) and the pharmacist license of the pharmacist manager of Mercy Regional Medical Center (Maureen Baird, RPH 18558) for an alleged receipt of prescription drugs from an unregistered source. The Board further voted unanimously to issue a Cease and Desist Order to San Juan Regional Medical Center for the unlawful distribution of prescription drugs into Colorado without a Board registration.

**OLD BUSINESS**

**Stipulations**

**Michelle Bloom, RPH 16464 & Case 2010-2529**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Ms. Bloom and Case 2010-2529 and, after due consideration of the available information, voted

unanimously to table further consideration of this matter for the Board's review at its September 15, 2011 meeting.

**Jennifer L. Cooper, RPH 16077 & Case 2011-3803**

Mary K. Arceneaux recused.

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding Ms. Cooper and Case 2011-3803 and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session for discipline.

**Elaine K. Thannum, RPH 17908 & Case 2010-2195**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Ms. Thannum and Case 2010-2195 and, after due consideration of the available information, voted unanimously to refer the matter to Executive Session for discipline.

**Licensing**

**John D. Murray, Pharmacist Licensure Applicant by Endorsement**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding Mr. Murray's application for pharmacist licensure by endorsement and, after due consideration of the available information, voted unanimously to issue Mr. Murray a pharmacist license by endorsement.

**Miscellaneous**

**Board Rule 3.01.10(b) & Contractual Affiliation**

The Board reviewed an Agenda Memorandum from Mr. O'Neill regarding research of the term "contractual affiliation" and its use in other states.

After due consideration of the available information, the Board directed its staff to make proposed amendments to Board Rule 3.01.10(b) for its review at a future meeting.

**Quantity of Drugs in Emergency Kits & Proposed Amendments to Board Rule 10.00.00**

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding the quantity of drugs allowed in emergency kits in other states.

After due consideration of the available information, the Board voted unanimously to table further consideration of the request to amend Board Rule 10.00.00 pending release of the recommendations from the Board's Sunset Review on October 15, 2011.

**NEW BUSINESS**

**Complaints**

**Allen, Daniel B., IN 2003904**

**2011-4170**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Banner Home Med Solutions, PDO 56-52**

**2011-4803**

E. Katherine Edelblut recused.

The Board voted unanimously to refer the case to discipline pursuant to Board Policy 30-9.

**Beattie's Health Mart Pharmacy, PDO 761**

**2011-3577**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

**Mitchell, Steven M., RPH 14294**

**2011-3573**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Davis, Zachary L., RPH 18935**

**2011-4061**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Fremont County Jail, OO 477**

**2011-4569**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

**Jones, Harry B., RPH 15275**

**2011-4618**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

The Board also voted unanimously to initiate a complaint against the prescription drug outlet registration of Walgreen Pharmacy # 6344 (PDO 11-18) for an alleged failure to accurately record the identity of pharmacists conducting the initial interpretation of prescription orders and final evaluation of corresponding prescriptions.

**Kaiser Permanente East Denver Pharmacy, PDO 153**

**2011-2394**

Jeannine Dickerhofe recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

The Board, however, directed its staff to send correspondence to Kaiser Permanente requesting that it provide the Board with a copy its company-wide policy, by January 22, 2012, regarding the perpetual calibration and validation of its automated dispensing machines to assure that prescription quantities are being accurately dispensed as ordered. In addition, the Board directed that Kaiser Permanente provide the Board with a notice, by January 22, 2012, stating that all prescription labels accurately detail the date of when a prescription is dispensed or when the corresponding prescription order is issued, and that its daily printouts accurately detail the date each prescription is dispensed.

**Kaiser Permanente Automated Refill Center Pharmacy, PDO 7-56**

**2011-3543**

Jeannine Dickerhofe recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

The Board, however, directed its staff to send correspondence to Kaiser Permanente requesting that it provide the Board with a copy its company-wide policy, by January 22, 2012, regarding the perpetual calibration and validation of its automated dispensing machines to assure that prescription quantities are being accurately dispensed as ordered. In addition, the Board directed that Kaiser Permanente provide the Board with a notice, by January 22, 2012, stating that all prescription labels accurately detail the date of when a prescription is dispensed or when the corresponding prescription order is issued, and that its daily printouts accurately detail the date each prescription is dispensed.

**Kaiser Permanente Automated Refill Center Pharmacy, PDO 7-56**

**2011-4206**

Jeannine Dickerhofe recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

The Board, however, directed that Kaiser Permanente provide the Board with a notice, by January 22, 2012, stating that all prescription labels accurately detail the date of when a

prescription is dispensed or when the corresponding prescription order is issued, and that its daily printouts accurately detail the date each prescription is dispensed.

**King Soopers Pharmacy # 73, PDO 44-53** **2011-4251**

Mary K. Arceneaux recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted, by a majority vote, to dismiss this case as being without merit.

**Longo, Anthony, RPH 14522** **2011-2611**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

After Executive Session, the Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

The Board also voted unanimously to initiate separate complaints against the prescription drug outlet registrations of Walgreen Pharmacy # 07022 (PDO 511), Walgreen Pharmacy # 12769 (PDO 796), and Walgreen Pharmacy # 13636 (PDO 758) for alleged record-keeping violations.

**Lorenzo, David R., RPH 14227** **2011-3587**

The Board voted unanimously to dismiss this case as being without merit.

**Owen, Kenneth C., RPH 10054** **2011-3468**

The Board voted unanimously to issue a Letter of Admonition for violations of the Pharmaceuticals and Pharmacists Act.

**Professional Hospital Supply, Inc., WHI 6033** **2011-4385**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

**Rougas, Nick, RPH 8888** **2011-3153**

Paul Limberis recused.

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

**Sav-On Pharmacy # 885, PDO 200** **2011-4267**

The Board voted unanimously to dismiss this case as being without merit.

**Superior Medical Supply, WHI 6006**

**2011-3565**

The Board voted unanimously to refer the case to Executive Session for discussion of possible disciplinary action.

**Wal-Mart Pharmacy # 10-4567, PDO 802**

**2011-4384**

The Board voted unanimously to dismiss this case as being without merit.

**LICENSING/REGISTRATION**

**Home Care Services, Inc., Nonresident Prescription Drug Outlet Applicant**

The Board reviewed an Agenda Memorandum from Ms. Acosta regarding an application submitted by Home Care Services, Inc. for a nonresident prescription drug outlet registration and, after due consideration of the available information, voted unanimously to issue the registration.

**Bryan Corporation, Out-of-State Prescription Drug Wholesaler Applicant**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding an application submitted by the Bryan Corporation and, after due consideration of the available information, voted unanimously to issue a conditional registration pursuant to Board Policy 30-10.

**MISCELLANEOUS**

**Correspondence, etc.**

**Request from Sari B. Levy regarding the Prescription Drug Monitoring Program**

The Board reviewed an Agenda Memorandum from Tia Johnson, Prescription Drug Monitoring Program (PDMP) Administrator, regarding a request from Sari B. Levy to obtain information from the PDMP for the purpose of writing a freelance article.

After due consideration of the available information, the Board voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to deny this request.

**Correspondence from Consumer regarding Rite Aid pharmacies**

The Board voted unanimously to not take action.

**Complaint for Board Consideration**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a consumer initiated complaint against Walgreen Pharmacy # 7252 (PDO 44-20) and, after due consideration of the available information, voted unanimously to not take action.

**Correspondence from the Colorado Medical Society**

Mary K. Arceneaux recused.



The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Colorado Medical Society (CMS) for the Board to consider legislative or regulatory action prohibiting pharmacies from distributing, as part of educational materials provided to patients with their prescriptions, advertising materials for medication in the same category as that dispensed to the patient.

After due consideration of the available information, the Board voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to table further review of this request pending receipt from CMS of additional examples detailing the aforementioned activity and receipt of additional research from Board staff for the Board's review at a future meeting.

#### **Denver Office of Drug Strategy & The Prescription Drug Monitoring Program**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Denver Office of Drug Strategy to obtain information from the Electronic Prescription Drug Monitoring Program (PDMP).

After careful consideration of the available information, the Board voted unanimously to enter into a PDMP contract with the Denver Office of Drug Strategy in September 2011 and to include a provision in the contract that specific information obtained from the PDMP cannot be given to another entity.

#### **Request from Regis University School of Pharmacy**

The Board reviewed an Agenda Memorandum from Mr. Gassen regarding a request from the Regis University School of Pharmacy to obtain prescription drugs for the purpose of providing healthcare services to students at Brady Exploration High School.

After due consideration of the available information, the Board voted unanimously to recommend that Brady Exploration High School obtain an Other Outlet registration from the Board for this purpose.

#### **Referral from the Colorado Medical Board Regarding Achress Nathana-El Kish**

Mary K. Arceneaux recused.

The Board reviewed an Agenda Memorandum from Ms. Cornett regarding a referral from the Colorado Medical Board detailing fraudulent prescription orders issued by Achress Nathana-El Kish and corresponding prescriptions dispensed by various King Soopers pharmacies.

After due consideration of the available information, the Board voted unanimously to send a letter of guidance to King Soopers' corporate office directing its pharmacists to use due diligence when dispensing prescriptions ordered from practitioners they are not familiar with.

### **Walgreens Medication Administration Program**

The Board reviewed correspondence from the Walgreen Co. regarding Walgreen's Administration Program involving the administration of prescription drugs to patients by pharmacists after such drugs have been dispensed pursuant to valid, patient-specific prescription orders.

After due consideration of the available information, the Board voted unanimously to refer the matter to Executive Session for legal advice.

After Executive Session, the Board voted unanimously to table further review of this matter and to request that, prior to implementing this program in Colorado, Walgreens provide the Board, for its review at a future meeting, with a complete copy of its policy for this program with respect to: record-keeping; documentation of adverse events and incidents; medication storage and handling; training; and what pharmacists are prepared to do in the event of an adverse reaction upon an injection.

### **EXECUTIVE SESSION**

At 11:50 a.m., Board President Jeannine Dickerhofe moved that the Board enter into Executive Session.

The motion was seconded. The vote was unanimous with five votes approving the motion to go into Executive Session and none opposing.

The Board exited Executive Session at 2:47 p.m.

### **Open Session**

#### **Case 2011-3945**

The Board voted unanimously to rescind its previous referral of this case for discipline and to dismiss the case. The Board found that there was no reasonable cause to warrant further action at this time.

#### **Case 2011-3571**

The Board voted unanimously to dismiss this case. The Board found that there was no reasonable cause to warrant further action at this time.

### **ADJOURNMENT**

The Board adjourned at 2:59 p.m.

*Approved by Mary K. Arceneaux, R.Ph., Acting President      Date: September 15, 2011.*